

*From Sen. Perry*STATE JUDICIARY SUB
Exhibit No. 5
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Title Sex Offenders**Lawmakers aim to toughen laws for sex offenders***By Alan Suderman, Associated Press Writer - 01/10/2007*

HELENA — Montana lawmakers have proposed a host of new bills intended to toughen laws for sexual predators. But some state officials worry some policy-makers will be posturing for political reasons rather than making sound laws.

“Fear is a big part of it,” said Blair Hopkins, a clinical services administrator with the Department of Corrections. “Fear can help us become irrational in our thinking. Nobody wants to go on record and say let’s not be hard on sex offenders.”

Two measures in particular that worry Hopkins are scheduled for debate during Wednesday’s Senate Judiciary Committee meeting. Both would significantly increase the amount of jail time for sexual predators.

The bills are modeled after Florida’s “Jessica’s Law,” named for a 9-year-old girl who was kidnapped and murdered in 2005.

The version proposed by Sen. Gary Perry, R-Manhattan, and the attorney general’s office would impose a mandatory 25-year minimum sentence for raping or sexually abusing a child under age 13. Another bill by Sen. Rick Laible, R-Darby, contains a similar mandatory minimum sentence, but would extend it to cover other sex crimes involving children, including indecent exposure and incest.

But Hopkins said Jessica’s Law and ones like it don’t make sense because they are too wide-reaching and don’t acknowledge the many different types of sexual predators.

“Sometimes we enact a law that might affect .5 percent of the sex-offender population,” Hopkins said. “And that’s pretty scary.”

David Niss, a staff attorney for the Legislature, said he’s seen a spike in sexual predator legislation this session due to national attention of the Florida law. Many states have passed similar legislation and television hosts such as Oprah Winfrey and Bill O’Reilly have used their TV shows to support the law.

“I’ve had legislatures come to me and say ‘I want a bill just like the Jessica Lunsford Act,’” Niss said.

Lunsford’s father, Mark, is due to appear at the Capitol later this month as a guest of state Republicans. Senate Minority Leader Corey Stapleton said he thinks Lunsford’s visit will help lawmakers see the value of passing tough sexual predator laws.

“It will solidify the resolve and I think also it will alleviate a lot of the fears of those on the left who think this is unnecessary and unfair to these men ... who perpetrate and abuse young kids,” Stapleton said.

But Hopkins called it ludicrous to suggest that simply passing tougher laws would protect children.

“It’s even more ludicrous when you look at the research that says treatment is effective,” he said.

According to Hopkins, only 2 percent of sexual offenders who received formalized treatment and were

released from Montana State Prison since 1988 returned to jail. —

*reoffending
sexually*

Senate Judiciary Chairman Jesse Laslovich said lawmakers need to weigh their responsibilities when writing laws and voting on laws about sexual predators.

“Politically, the easy vote is to support any law that is stringent on sexual offenders,” the Anaconda Democrat said. But, he added, there needs to be room for “offenders to rehabilitate themselves if rehabilitation is possible.”

He said he plans to convene a special subcommittee to deal specifically with the numerous bills regarding sexual offenders.

One issue lawmakers will have to consider is how much they are willing to pay to punish sexual predators. State estimates for a bill similar to Jessica’s law would cost the Department of Corrections an additional \$13 million to \$29 million over a 10-year period.

The bill Perry is sponsoring includes federal mandates requiring paroled sex offenders to check in more often with authorities, creating an additional cost for the Department of Corrections.

Bob Anez, communications director for the department, said corrections officials will not take positions on either bill but will be available at Wednesday’s committee meeting to answer questions.

“We want to make sure they understand the costs,” he said.

—— Perry’s bill is Senate Bill 156. Laible’s bill is Senate Bill 154.